

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KAELI GARNER, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware  
Corporation, and AMAZON.COM SERVICES,  
LLC, a Delaware Limited Liability Company,

Defendants.

Case No.: 2:21-cv-00750-RSL

**STIPULATED MOTION FOR PARTIAL  
DISMISSAL AND ORDER**

**STIPULATED MOTION**

Plaintiffs Kaeli Garner, Mark Fladd, Stephanie Fladd, Jodi Brust, John Dannelly, Diane McNealy, Michael McNealy, Lisa Hovasse, Sandra Mirabile, Ricky Babani, Susan Lenehan, Jeffrey Hoyt, Lorlie Tesoriero, James Robinson, Rosa Comacho, Eric Dlugoss, Julie Dlugoss, Ronald Johnson, Selena Johnson, Caron Watkins, and Kelly Miller (collectively, "Plaintiffs") and Defendants Amazon.com, Inc. and Amazon.com Services, LLC (collectively, "Amazon") jointly request that the Court order the partial dismissal of certain Plaintiffs and certain claims from this action, with prejudice, as set forth herein.

WHEREAS, Plaintiffs Mark Fladd, Stephanie Fladd, John Dannelly, Sandra Mirabile, Susan Lenehan, James Robinson, Rosa Comacho, Lisa Hovasse, Kelly Miller, Eric Dlugoss, and Julie Dlugoss seek to voluntarily dismiss their claims against Amazon;

STIP. MOTION FOR PARTIAL DISMISSAL  
AND ORDER

CASE NO.: 2:21-CV-00750-RSL

1 WHEREAS, on September 22, 2022, counsel for Plaintiffs and counsel for Amazon met  
 2 and conferred regarding these 11 Plaintiffs' desire to voluntarily dismiss their claims and have  
 3 agreed upon the terms for such dismissals;

4 The parties hereby stipulate to, and request that the Court order, the following:

5 1. Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs Mark Fladd,  
 6 Stephanie Fladd, John Dannelly, Sandra Mirabile, Susan Lenehan, James Robinson, Rosa  
 7 Comacho, Lisa Hovasse, Kelly Miller, Eric Dlugoss, and Julie Dlugoss (together, the "Dismissing  
 8 Plaintiffs"), by and through their undersigned attorneys, voluntarily dismiss, with prejudice, all of  
 9 their claims in this action (including, without limitation, Count V (Violation of the Massachusetts  
 10 Wiretapping Statute, Mass. Gen. Laws Ch. 272, §99), Count X (Violation of the Illinois  
 11 Eavesdropping Statute, 720 Ill. Comp. Stat. §5/14-2), and Count XI (Violation of the Michigan  
 12 Eavesdropping Statute, Mich. Comp. Laws §750.539c)) and Plaintiffs agree not to further pursue  
 13 or present any such claims against Amazon.

14 2. Notwithstanding the foregoing, the Parties agree that this dismissal shall not impact  
 15 the Dismissing Plaintiffs' ability to participate as passive class members in any recovery this  
 16 Action obtains on behalf of the proposed classes, whether by settlement, verdict, or otherwise.

17 3. Plaintiffs agree they shall not join any additional parties as plaintiffs or class  
 18 representatives in this action on behalf of the Massachusetts, Illinois, or Michigan claims being  
 19 dismissed.

20 4. Pursuant to Rule 41(a), Plaintiffs voluntarily dismiss the following claims against  
 21 Amazon, in their entirety, with prejudice: Count V (Violation of the Massachusetts Wiretapping  
 22 Statute, Mass. Gen. Laws Ch. 272, §99), Count X (Violation of the Illinois Eavesdropping Statute,  
 23 720 Ill. Comp. Stat. §5/14-2), and Count XI (Violation of the Michigan Eavesdropping Statute,  
 24 Mich. Comp. Laws §750.539c) (collectively, the "Dismissed Claims").

25 5. The Parties agree that Amazon may make a filing, not to exceed two pages, to  
 26 advise the Court of the effect that these dismissals will have on Amazon's pending Motion to  
 27 Compel (Dkt. No. 106).

6. The Parties agree that with respect to the Dismissing Plaintiffs and the Dismissed Claims, each party shall bear its own costs and fees.

Dated: September 29, 2022

Respectfully submitted,

By: s/ Brian D. Buckley

Brian D. Buckley, WSBA No. 26423

**FENWICK & WEST LLP**

Brian D. Buckley

Y. Monica Chan, WSBA No. 58900

1191 Second Avenue, 10th Floor

Seattle, WA 98101

Telephone: 206.389.4510

Facsimile: 206.389.4511

Email: bbuckley@fenwick.com

mchan@fenwick.com

Laurence F. Pulgram (admitted *pro hac vice*)

Jedediah Wakefield (admitted *pro hac vice*)

Armen N. Nercessian (admitted *pro hac vice*)

Garner F. Kropp (admitted *pro hac vice*)

Esther D. Galan (admitted *pro hac vice*)

555 California Street, 12th Floor

San Francisco, CA 94104

Telephone: 415.875.2300

Facsimile: 415.281.1350

Email: lpulgram@fenwick.com

jwakefield@fenwick.com

anercessian@fenwick.com

gkropp@fenwick.com

egalan@fenwick.com

*Counsel for Defendants*

*AMAZON.COM, INC. and*

*AMAZON.COM SERVICES, LLC*

Dated: September 29, 2022

Respectfully submitted,

By: s/ Bradley S. Keller

Bradley S. Keller, WSBA No. 10665

**BYRNES KELLER CROMWELL LLP**

Bradley S. Keller

1000 Second Avenue

Seattle, Washington 98104

Telephone: (206) 622-2000

Facsimile: (206) 622-2522

Email: bkeller@byrneskeller.com

s/ Michael P. Canty

Michael P. Canty

**LABATON SUCHAROW LLP**

Michael P. Canty (admitted *pro hac vice*)  
Carol C. Villegas (admitted *pro hac vice*)  
Guillaume Buell (admitted *pro hac vice*)  
David Saldamando (admitted *pro hac vice*)  
Danielle Izzo (admitted *pro hac vice*)  
140 Broadway  
New York, NY 10005  
Telephone: (212) 907-0700  
Facsimile: (212) 818-0477  
Email: mcanty@labaton.com  
cvillegas@labaton.com  
gbuell@labaton.com  
dsaldamando@labaton.com  
dizzo@labaton.com

**ROBBINS GELLER RUDMAN & DOWD  
LLP**

Paul J. Geller (*pro hac vice* forthcoming)  
Stuart A. Davidson (admitted *pro hac vice*)  
Alexander H. Cohen (admitted *pro hac vice*)  
120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
Telephone: (561) 750-3000  
Facsimile: (561) 750-3364  
Email: pgeller@rgrdlaw.com  
sdavidson@rgrdlaw.com  
acohen@rgrdlaw.com

**BURSOR & FISHER, P.A.**

L. Timothy Fisher (admitted *pro hac vice*)  
1990 N. California Blvd., Suite 940  
Walnut Creek, CA 94596  
Telephone: (925) 300-4455  
Facsimile: (925) 407-2700  
E-Mail: ltfisher@bursor.com

Alec M. Leslie (admitted *pro hac vice*)  
Max S. Roberts (admitted *pro hac vice*)  
888 Seventh Avenue, Third Floor  
New York, NY 10019  
Telephone: (646) 837-7150  
Facsimile: (212) 989-9163  
E-Mail: aleslie@bursor.com  
mroberts@bursor.com

**ZIMMERMAN REED LLP**

Brian C. Gudmundson (admitted *pro hac vice*)  
Jason P. Johnston (admitted *pro hac vice*)  
Michael J. Laird (admitted *pro hac vice*)  
1100 IDS Center  
80 South 8th Street

Minneapolis, MN 55402  
Telephone: (612) 341-0400  
brian.gudmundson@zimmreed.com  
jason.johnston@zimmreed.com  
michael.laird@zimmreed.com

**LOCKRIDGE GRINDAL NAUEN P.L.L.P.**

Robert K. Shelquist (admitted *pro hac vice*)  
Rebecca A. Peterson (admitted *pro hac vice*)  
100 Washington Ave. South, Suite 2200  
Minneapolis, MN 55401  
Telephone: (612) 339-6900  
Facsimile: (612) 339-0981  
Email: rkshelquist@locklaw.com  
rapeterson@locklaw.com

*Counsel for Plaintiffs*

**ORDER**

Pursuant to the Parties' Stipulated Motion for Partial Dismissal, it is HEREBY ORDERED that:

1. All claims asserted by Plaintiffs Mark Fladd, Stephanie Fladd, John Dannelly, Sandra Mirabile, Susan Lenehan, James Robinson, Rosa Comacho, Lisa Hovasse, Kelly Miller, Eric Dlugoss, and Julie Dlugoss against Amazon are dismissed, with prejudice.

2. Count V (Violation of the Massachusetts Wiretapping Statute, Mass. Gen. Laws Ch. 272, §99), Count X (Violation of the Illinois Eavesdropping Statute, 720 Ill. Comp. Stat. §5/14-2), and Count XI (Violation of the Michigan Eavesdropping Statute, Mich. Comp. Laws §750.539c) asserted by Plaintiffs against Amazon are dismissed, with prejudice.

Dated this 3rd day of October, 2022.



ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE

Presented by:

FENWICK & WEST LLP

By: s/ Brian D. Buckley  
Brian D. Buckley, WSBA No. 26423

1191 Second Avenue, 10th Floor  
Seattle, WA 98101  
Telephone: 206.389.4510  
Facsimile: 206.389.4511  
Email: bbuckley@fenwick.com

*Counsel for Defendants*  
*AMAZON.COM, INC. and*  
*AMAZON.COM SERVICES, LLC.*